

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

Terrence Terrell Bryan,)	
)	
Plaintiff,)	
)	
vs.)	Civil Action No.: 4:07-cv-00021-TLW-TER
)	
SCDC, <u>et. al.</u> ,)	
)	
Defendants.)	
_____)	

ORDER

Plaintiff, Terrence Terrell Bryan (“plaintiff”), brought this civil action, *pro se*, on January 4, 2007. (Doc. #1). An amended complaint was filed on July 30, 2007. (Doc. #25). Additional exhibits to the amended complaint were filed on August 2, 2007 and on June 23, 2008. (Doc. #30, Doc. #117). The defendants filed a motion for summary judgment on April 15, 2008. (Doc. #110). The plaintiff filed a response in opposition to the defendants’ motion on June 16, 2008. (Doc. #116).

This matter now comes before this Court for review of the Report and Recommendation (“the Report”) filed by United States Magistrate Judge Thomas E. Rogers, III, to whom this case had previously been assigned. (Doc. #136). In the Report, the Magistrate Judge recommends that the District Court grant the defendants’ motion for summary judgment. (Doc. #136). The plaintiff filed objections to the report. (Doc. #138). In conducting this review, the Court applies the following standard:

The magistrate judge makes only a recommendation to the Court, to which any party may file written objections...The Court is not bound by the recommendation of the magistrate judge but, instead, retains responsibility for the final determination. The Court is required to make a *de novo* determination of those portions of the report or specified findings or recommendation as to which an objection is made. However, the Court is not required to review, under a *de novo* or any other standard, the factual

or legal conclusions of the magistrate judge as to those portions of the Report and Recommendation to which no objections are addressed. While the level of scrutiny entailed by the Court's review of the Report thus depends on whether or not objections have been filed, in either case, the Court is free, after review, to accept, reject, or modify any of the magistrate judge's findings or recommendations.

Wallace v. Housing Auth. of the City of Columbia, 791 F. Supp. 137, 138 (D.S.C. 1992)

(citations omitted).

In light of the standard set forth in Wallace, the Court has reviewed, de novo, the Report and the objections. The Court has also reviewed the relevant case law in detail, including Norman v. Taylor, 25 F.3d 1259 (4th Cir. 1994), and Hudson v. McMillian, 503 U.S. 1 (1992). The plaintiff has filed objections to the Report. (Doc. #138). In a later filing, the plaintiff asks this Court to provide him with copies of legal materials alleged to have been taken by SCDC. (Doc. #140). This Court concludes that any additional delay to allow the plaintiff to further review his legal materials would not lead this Court to a different result. An abundance of evidence has been presented and carefully considered by this Court. All evidence and documents necessary for resolution of this case have been presented. The motion to provide a copy of the file and allow for the filing of additional objections, filed at this late stage in the case, is **DENIED**. (Doc. #140). After careful review of the Report and objections thereto, the Court **ACCEPTS** the Report. (Doc. #136). Therefore, for the reasons articulated by the Magistrate Judge, the defendants' motion for summary judgment is **GRANTED**.

IT IS SO ORDERED.

s/Terry L. Wooten
United States District Judge

February 27, 2009
Florence, South Carolina